

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TRUSTEES OF CENTRAL LABORERS' )  
PENSION, WELFARE & ANNUITY FUNDS, )

Plaintiff, )

vs. )

MASONRY SPECIALISTS, INC., )

Defendant. )

Case No. 04-4118-JPG

**MEMORANDUM AND ORDER**

THIS MATTER comes before the Court on the Plaintiff's Motion for Voluntary Dismissal (Doc. 14) with prejudice, which the Court construes as being pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment or in the absence of a stipulation of dismissal of an entire case from all the parties. The Court being fully advised in the premises finds that the Defendant has paid in full the delinquencies owed to the Plaintiff. The Court therefore **GRANTS** the motion to dismiss (Doc. 14), **DISMISSES** this case **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**DATED: August 8, 2005**

s/ J. Phil Gilbert  
**JUDGE**